

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

EMG TECHNOLOGY, LLC,  
Plaintiff,

v.

APPLE INC.,  
AMERICAN AIRLINES, INC.,  
DELL, INC.,  
HYATT CORPORATION,  
MARRIOTT INTERNATIONAL, INC., &  
BARNES & NOBLE, INC.,

Defendants.

EMG TECHNOLOGY, LLC,

Plaintiff,

v.

MICROSOFT CORPORATION,  
SCOTTRADE, INC.,  
SOUTHWEST AIRLINES CO.,  
PRICELINE.COM, INC.,  
ZAGAT SURVEY, LLC, &  
COMCAST CORPORATION,

Defendants.

Case No. 6:08-cv-447-LED

**JURY TRIAL DEMANDED**

Case No. 6:09-cv-367-LED

**JURY TRIAL DEMANDED**

**DECLARATION OF SHAWN G. HANSEN  
IN SUPPORT OF PLAINTIFF EMG TECHNOLOGY, LLC'S  
SURREPLY IN OPPOSITION TO  
DEFENDANTS' MOTION TO TRANSFER**

I, Shawn G. Hansen, declare as follows:

1. I am an attorney licensed to practice in the State of California and admitted to practice *pro hac vice* in the above-captioned matter. I am a partner with Manatt, Phelps & Phillips, counsel of record for Plaintiff EMG Technology, LLC ("EMG") in the above-referenced matter. I have personal knowledge of the following facts. If called as a witness, I

could and would testify competently to these facts.

2. Attached hereto as Exhibit A is a true and correct copy of an article from Wikipedia, entitled "Technographic segmentation," downloaded from the following URL: [http://en.wikipedia.org/wiki/Technographic\\_segmentation](http://en.wikipedia.org/wiki/Technographic_segmentation).

3. Attached hereto as Exhibit B is a true and correct copy of a page from the website of Forrester Research regarding that company's "Consumer Technographics" services, downloaded from the following URL: <http://www.forrester.com/Products/MarketResearch/Consumer/NorthAmerican>.

4. Attached hereto as Exhibit C is a true and correct copy of "Segmenting VCR Owners," by Edward Forrest et al., *Journal of Advertising Research*, Vol. 28, No. 2, April/May 1988, pgs. 29-39.

5. Attached hereto as Exhibit D is a true and correct copy of EMG's Supplemental Initial Disclosures served in Case No. 08-cv-447 on January 29, 2010.

6. Using Google Maps (<http://maps.google.com>), I calculated the driving distance from the Dallas headquarters of nonparty AT&T at 208 S. Akard St., Dallas, Texas 75202 to the courthouse at 211 W. Ferguson, Tyler, Texas 75702. Attached hereto as Exhibit E is a true and correct copy of the results, which indicate that the driving distance is 97.7 miles.

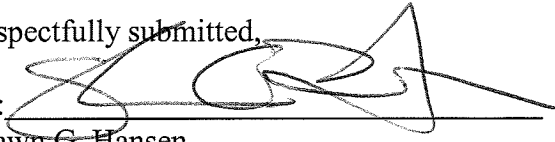
7. Using Google Maps (<http://maps.google.com>), I calculated the driving distance from the Dallas headquarters of Defendant Southwest Airlines at 2702 Love Field Dr., Dallas, Texas 75235 to the courthouse at 211 W. Ferguson, Tyler, Texas 75702. Attached hereto as Exhibit F is a true and correct copy of the results, which indicate that the driving distance is 107 miles.

8. Using Google Maps (<http://maps.google.com>), I calculated the driving distance from the Fort Worth office of Defendant American Airlines identified in American Airlines' initial disclosures 4255 Amon Carter Blvd, Ft. Worth, Texas 76155 to the courthouse at 211 W. Ferguson, Tyler, Texas 75702. Attached hereto as Exhibit G is a true and correct copy of the results, which indicate that the driving distance is 115 miles.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 8, 2010 at Palo Alto, California

Respectfully submitted,

By:   
Shawn G. Hansen

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